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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,137	01/29/2001	Sokichi Nosaka		9546

7590

08/23/2002

WOOD, PHILLIPS, VAN SANTEN, CLARK & MORTIMER
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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/772,137

Applicant(s)

NOSAKA ET AL.

Examiner

Marcus Charles

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 21-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01/29/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

This is the first action relating to serial application number 09/772,137, filed 01-29-01.

Claims 1-35 are currently pending.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The draftsman has approved the drawing filed with this application as formal drawing.

Election/Restrictions

3. Applicant's election of the method claims 1-20 in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 21-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 7.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2 and are rejected under 35 U.S.C. 103(a) as being unpatentable over JP('833, applicant's prior art) in view of Matsumoto ('349, applicant's prior art). JP('833) discloses a power transmission belt having a body (1), a length and exposed lateral side surfaces, a marking (10) is inscribed directly on the back surface of the belt by a laser beam with an angle of deflection and a scanning mirror (24). JP('833) does not disclose the marking is inscribed on the lateral surfaces of the belt. Matsumoto discloses a power transmission belt that has markings (3) formed on the lateral side surfaces of the belt in order to prevent occurrence of inconveniences and to keep the marks recognizable for a long time (col. 2, lines 15-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the belt of JP('292606) such that the making is on the lateral spaced side surfaces of the belt in view of Matsumoto in order to prevent occurrence of inconveniences and to keep the marks recognizable for a long time.

6. Claims 3- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP('833) in view of Matsumoto as applied to claim 1 above, and further in view of Andrews et al.('994). JP('833) and Matsumoto disclose the claimed invention as in paragraph 5 above, but do not disclose the depth of the inscribed mark on the belt surface. Andrews et al. disclose an inscribed mark having a depth of 0.003 to 0.006 inches (which is within the range of 0.1mm-1mm) in order to prevent the marking from wearing out easily. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to make the depth of the inscribed mark of JP('833) to be

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within the specified range disclosed by Andrews et al. in order to prevent the marking from wearing out easily over a period of time.

In claim 6, note the belt of Matsumoto is a double V-ribbed belt (fig. 3).


Claims 7-20, the method steps are inherently included in JP('833) in view of Matsumoto device

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spanjer('863) discloses a laser markable molding compound. DE('29610216) discloses a belt marking carried by laser. Bierbaum('080) discloses a method of marking a conveyor belt. Noguchi('584) discloses a method of inscribing a mark on a belt. Holsappel ('329) discloses a method of marking an article having a polyolefin surface-using laser. Tomiyama et al.('024) discloses a marking for a belt. Azuma et al.('620), Kennedy et al.('125) and Woelki et al.(090) disclose a method of laser marking. Murakami('2580 discloses a method of transferring a marking to a belt.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (703) 305-6877. The examiner can normally be reached on Monday -Thursday 7:30 am-600 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (703) 308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3597 for regular communications and (703) 305-3597 for After Final communications.


Marcus Charles
Examiner
Art Unit 3682
August 21, 2002